

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

DEBRA BARTH, Individually and  
as Conservator for James Barth,  
an Incapacitated Person,

Plaintiff,

v.

HARDINGE, INC.,

Case No. 1:09-cv-13667

Hon. Thomas L. Ludington

Defendant/Third-Party Plaintiff,

v.

PRODUCTION TOOL SUPPLY,  
an assumed name of PRODUCTION  
TOOL SUPPLY COMPANY, LLC,

Third-Party Defendant.

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**ORDER ADOPTING REPORT AND RECOMMENDATION AND DENYING  
PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT**

United States Magistrate Judge Charles Binder issued a report and recommendation (ECF No.131) on September 19, 2011, recommending that the Court deny Plaintiff Debra Barth's motion for partial summary judgment (ECF No. 83). Either party may serve and file written objections "[w]ithin fourteen days after being served with a copy" of the report and recommendations. 28 U.S.C. § 636(b)(1). The district court will make a "de novo determination of those portions of the report . . . to which objection is made." *Id.* Where, as here, neither party objects to the report, the district court is not obligated to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149–52 (1985).

Accordingly, it is **ORDERED** that Judge Binder's report and recommendation (ECF No. 131) is **ADOPTED**.

It is further **ORDERED** that Plaintiff's motion for partial summary judgment (ECF No. 83) is **DENIED**.

s/Thomas L. Ludington  
THOMAS L. LUDINGTON  
United States District Judge

Dated: December 13, 2011

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on December 13, 2011.

s/Tracy A. Jacobs  
TRACY A. JACOBS